

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Harvey Pratt

v.

Civil No. 05-cv-191-JD

Stephen Curry, Commissioner,
New Hampshire Department of
Corrections, et al.¹

O R D E R

Petitioner has filed this habeas petition alleging twenty-five claims entitling him to federal habeas relief. By order of July 13, 2005, petitioner was ordered to demonstrate that the federal nature of each claim has been exhausted. Petitioner has filed documents which appear to indicate that he has exhausted his state remedies. I therefore order that service be made.

Accordingly, the petition shall be served upon the Warden of the NCF, who shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition). Service shall be completed by mailing to the New Hampshire Office of the Attorney

¹As petitioner is in custody at the Northern New Hampshire Correctional Facility ("NCF"), I construe the respondent to be the Warden of the NCF. See Habeas Rule 2 (where petitioner is in custody pursuant to a state court judgment, the state officer having custody of the petitioner shall be named as respondent).

General, which is the prison's attorney, by certified mail, return receipt requested, copies of this order, the habeas corpus petition and amendment thereto (document nos. 1 and 6), two New Hampshire Supreme Court appeals (document no. 6) and this court's previous order (document no. 4).

Respondent shall answer or otherwise plead within thirty (30) days of the date of this order. The answer shall comply with the requirements of Section 2254 Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the court will determine whether a hearing is warranted. See Section 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.

James R. Muirhead
United States Magistrate Judge

Date: August 2, 2005
cc: Harvey Pratt, *pro se*